

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS EDWARD CARTER,)	
)	2:11cv461
Plaintiff,)	Electronic Mail
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Cynthia Reed Eddy
MS. MICHELLE WAGNER; <i>ET AL.</i> ,)	
Defendants.)	
)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on April 6, 2011, and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On January 31, 2012, the Magistrate Judge filed a Report and Recommendation (ECF No. 9) recommending that the case be dismissed for failure to comply with court orders and for failure to prosecute. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until February 17, 2012 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15 day of March, 2012;

IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** due to Plaintiff's failure to comply with court orders and for failure to prosecute.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 9) dated January 31, 2012, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

A handwritten signature in black ink, appearing to read "D. Stewart Cercone", followed by a horizontal line.

David Stewart Cercone
United States District Judge

cc: Cornelius Edward Carter
202 Stephanie Dr.
Easton, PA 18045

(Via First Class Mail)